IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 26207 of 2003

Between:

M/s. Associated Rubber Products, A2, Industrial Estate, Amaravati Road, Guntur - 522 034, represented by its Manager, Shaik Abdul Ravoof, S/o. Late Abdul Khader.

..... PETITIONER

AND

1. Union of India, represented by its Secretary, Ministry of Law, Shastri Bhavan, R.P. Road, New Delhi.

2. M/s. Vijaya Bank, Arundelpet, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direction in the nature of writ of Mandamus, declaring that the provisions contained in Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (Second) Ordinance 2002 (No.3 of 2002) specifically the provisions of Section 13 of the Ordinance as ultra vires and un-constitutional besides violative of Articles 14 and 19 of the Constitution of India, unreasonable, consequently declare the impugned Notice in Ref. ARI-2002, Dated 14-12-2002 issued under Section 13 (2) of the Ordinance by the 2nd respondent as illegal, arbitrary and unconstitutional and quash the same.

Counsel for the Petitioner:MR.S.A.RAZAK

Counsel for the Respondent No.1: Smt.A.P.Lakshmi (Addl. SC FOR CG)

Counsel for the Respondent No.2: Mr.E.Ajay Reddy

The Court made the following :

ORAL ORDER: (per Hon'ble Sri Devinder Gupta, the Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002 dated 8th April, 2004 [MARDIA CHEMICALS LTD vs UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason, relief prayed for in this writ petition cannot be granted.

Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

30-8-2004

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C.V.RAMULU, J

Tvr

To

1. The Secretary, Union of India, Ministry of Law, Shastri Bhavan, R.P. Road, New Delhi.

2. M/s. Vijaya Bank, Arundelpet, Guntur.

3. 2 CD copies.